

Conclusions

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- 1.** NLUA appears to serve as a key policy response to relevant provisions in the VGGTs on administration of tenure especially pertaining to “Regulated Spatial Planning” section of the Guidelines. There is more of a convergence in the provisions (between the NLUA and the VGGTs) and none that are in conflict.:

It had to be emphasized though that as a policy document, NLUA primarily focuses on the regulation of land use, and not on allocation, management and development functions. Covering the function for land management (of the NLUA) for example already collides with or encompasses the function of other agencies such the LRA, DOJ, etc

- 2.** The proposed bill – NLUA – reflects substantially the objectives, principles and policies of the Voluntary Guidelines; these policies and principles are key to achieving the objectives of the VGGTs which are to provide/secure tenure rights to land, forests and fisheries.

This significance of this “substantial compliance” of the NLUA to the provisions of the VGGTs is important given the fact that the latter do not establish automatic and binding applications as a national policy. The NLUA, if enacted, then effectively serves as a national policy that complements and concretizes the principles and standards enunciated in the VGGTs.

- 3.** There are specific areas and provisions of the VGGTs (e.g. General Matters) that directly resonate with relevant sections of the NLUA such as the implementation principles on gender equality, holistic and sustainable approach, consultation and participation, transparency and accountability, and provisions for continuous improvement. (Principles of Implementation).

Also, the policy, legal, and organizational framework related to tenure governance are substantially covered/expounded in the proposed Implementing Structure of NLUA at the national, regional and local levels. This structure/mechanism is also complemented by commensurate financial and technical capacities being suggested to ensure that the roles and functions defined (NLUPC and its counterpart at the lower levels) and services are carried out faithfully. (Policy, legal & organizational framework; Delivery of Services)

- 4.** There is a need to review the roles and function of the NLUPC and its counterpart at the regional and local levels. By relegating to these bodies all the functions – policy formulation, policy execution and adjudication functions, the criticism that is currently being leveled to HLURB (prescribes guidelines, and at the same time assumes adjudication functions) would also apply to the proposed structures of NLUA.

At the local level for example, a Local Zoning Board of Adjudication and Adjustments (adjudicate cases, issue permits on applications that are not clear in the provisions of the ZO or decide on its non-issuance or to disallow such application is convened in order that such decisions are not solely relegated to the discretion of the Zoning Officer.

- 5.** VGGTs' Administration of Tenure specifically the section on Regulated Spatial Planning, the significance of NLUA as a NATIONAL policy that primarily focuses on land use regulation is furthermore highlighted as it addresses 2 major gaps spatial planning namely:
 - a. Inadequacy of land use policies that address conflicting land uses;
 - b. Absence of a national policy that will guide/regulate land uses involving private domain.

With the *NLUA* in place, we can therefore look forward to uniformity in the application of policies and planning standards at all levels that now includes integration of tenure rights (that cover ownership, acquisition and disposition rights) with land use regulation (currently a devolved power/function) – which is the essence and the contention of the VGGTs’ regulated spatial planning.

Thus, *NLUA* brings closer the realization of the vision of the VGGTs, that spatial planning considers all tenure rights, including overlapping and periodic rights and coordinates national, regional and local spatial plans.